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| 09/540,558      | 03/31/2000  | Tom Flanagan         | 1.040US             | 1986             |

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EXAMINER

AVELLINO, JOSEPH E

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2143

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/540,558

Applicant(s)

FLANAGAN, TOM

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5, 7-11, 15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-11, 15, and 17-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1, 3-5, 7-11, 15, and 17-25 are pending in this examination.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 5 recites the limitation "wherein said configuration data is located within the Proxy Browser program, or on said Internet server", however it was previously stated that the configuration data was located in "an embedded Internet server located in said electronic appliance" (claim 4). It is unable to be determined as to where the configuration data for the appliance is located. For examination purposes, it will be understood that the configuration data is located on the appliance in the embedded Internet server and the configuration data can be modified by the Proxy browser program or said Internet server. Correction is required.

5. Claim 7, recites the limitation "said server downloads said recipe file" however it was previously stated that the server contains the digital recipe file and the Proxy Browser program selects it. For examination purposes it will be understood that the oven downloads the recipe file. Correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7, 9, 15-17, and 18-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansbery et al. (USPN 6,121,593) (hereinafter Mansbery) in view of Reynolds (USPN 6,587,879).

7. Referring to claim 1, Mansbery discloses a system for proxy browsing the Internet, comprising:

a first computer (remote computer) linked to the Internet (Figure 2, reference character 50);

a Proxy Browser Internet interface program hosted on said Internet linked computer(Figure 2, reference character 45);

an electronic appliance linked to a powerline network 150 which is connected to an appliance server 100 connected to the Internet, the electronic appliance comprises a unique CEBUS address on the powerline network (Figure 2, reference character 200);

wherein said Proxy Browser transmits a command through the Internet that directs an Internet server (i.e. "Tonight's menu Appliance Server" 100) to transmit a

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remote digital file (i.e. recipe file of commands to cook the dish selected by the user) selected by said Proxy Browser program to said electronic appliance address without said electronic appliance communicating with said proxy browser (all communication is mediated through the appliance server 100) and said digital file (i.e. file of commands of the dish recipe) executing on said client appliance (Figure 2, 9; col. 3, lines 1-8).

Mansbery does not disclose that the address of the electronic appliance is an IP address and said electronic appliance can actively receive electronic data transmissions from the Internet. In analogous art, Reynolds discloses another system for proxy browsing the internet wherein the electronic appliance (i.e. refrigerator, microwave, etc.) includes a network address, such as an IP address (col. 3, lines 20-25, 60-63), and said electronic appliance can actively receive electronic data transmissions from the internet (col. 4, line 25 to col. 5, line 11). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Reynolds with Mansbery to allow testing of remote devices having limited processing capabilities, such as consumer appliances and other types of electronic devices, thereby reducing the need of sending a service representative to the appliance to determine if the appliance is malfunctioning as supported by Reynolds (col. 1, lines 15-25, 45-50).

8. Referring to claim 3, Mansbery in view of Reynolds disclose the system for proxy browsing substantively as described in claim 1. Furthermore, Mansbery discloses the Proxy Browser program identifies said remote digital file and identifies an address (i.e. appliance name such as "stove" etc.) of said electronic appliance (Figure 9); and

said Internet server (appliance server 100) verifies said address and verifies a transmission of said remote digital file without interaction of said proxy browser program (the appliance server 100 does not notify the client software/browser that the download has been completed, merely just begins executing the digital recipe file) (Figure 9).

Mansbery does not disclose the address is an IP address of an electronic appliance. In analogous art, Reynolds discloses another system for proxy browsing the internet wherein the electronic appliance (i.e. refrigerator, microwave, etc.) includes a network address, such as an IP address (col. 3, lines 20-25, 60-63). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Reynolds with Mansbery to allow testing of remote devices having limited processing capabilities, such as consumer appliances and other types of electronic devices, thereby reducing the need of sending a service representative to the appliance to determine if the appliance is malfunctioning as supported by Reynolds (col. 1, lines 15-25, 45-50).

Referring to claim 4, Mansbery in view of Reynolds disclose the system for proxy browsing substantively as described in claim 1. Mansbery further discloses an embedded server located in said electronic appliance comprising configuration data (i.e. ReadDisplay) and operating status data (i.e. GetTemperatureLevel, GetStatus, etc.) for said electronic device (col. 5, lines 1-35). Mansbery does not specifically disclose that the embedded server in the electronic appliance is an embedded Internet server (i.e. it is connected to, and addressable from, the Internet). In analogous art, Reynolds

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discloses another system for proxy browsing the internet, wherein the embedded server in the electronic appliance is an embedded Internet server (i.e. Embedded HTTP Server 18) (Figure 1). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Reynolds with Mansbery to allow testing of remote devices having limited processing capabilities, such as consumer appliances and other types of electronic devices, thereby reducing the need of sending a service representative to the appliance to determine if the appliance is malfunctioning as supported by Reynolds (col. 1, lines 15-25, 45-50).

9. Referring to claim 5, Mansbery discloses configuration data (i.e. instructions and data to modify the configuration of the appliance) is located on said Internet server (appliance server 100) (col. 4, line 32 to col. 5, line 27).

10. Referring to claim 7, Mansbery discloses that said Proxy Browser program selects a digital recipe file from said Internet server (i.e. appliance server 100) to download to said home electronic appliance, where said home electronic appliance is an oven, and said oven is configured with baking instructions from said digital recipe file (col. 9, line 15 to col. 10, line 7).

11. Referring to claim 9, Mansbury discloses a system for proxy browsing the Internet as stated in the claims above. Mansbury does not disclose selecting an Internet Web page, and said Web page is downloaded into an Internet Browser on said

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second client computer. In analogous art, Reynolds discloses another system for proxy browsing the internet, wherein said Proxy Browser (test builder 4) selects an Internet Web Page (test case servlet 20) and said web page is downloaded by said server into an embedded Internet server on said electronic appliance (Figure 4). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Reynolds with Mansbury to allow testing of remote devices having limited processing capabilities, such as consumer appliances and other types of electronic devices, thereby reducing the need of sending a service representative to the appliance to determine if the appliance is malfunctioning as supported by Reynolds (col. 1, lines 15-25, 45-50).

12. Claims 15-17, and 18-25 are rejected for similar reasons as stated above. Furthermore Reynolds discloses the electronic appliance has at least one CPU, memory, and Internet networking capability (Figure 1; col. 3, lines 1-24).

Claims 8 and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansbury in view of Reynolds in view of Cuomo et al. (USPN 5,861,883) (cited by applicant in IDS) (hereinafter Cuomo).

13. Referring to claim 8, Mansbury in view of Reynolds discloses a system for proxy browsing the Internet as stated in the claims above. Mansbury in view of Reynolds does not disclose selecting a digital music file from an Internet server and said music



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file is downloaded and played on a said digital speakers linked to the Internet. Cuomo discloses another system for proxy browsing the Internet which discloses selecting a digital music file from an Internet server and said music file is downloaded and played on a said digital speakers linked to the internet (col. 5, lines 35-47). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Mansbury and Reynolds with Cuomo to ensure a master computer is appropriately synchronized with following client computers as stated in Cuomo (col. 5, lines 47-55).

14. Referring to claim 10, Mansbury in view of Reynolds discloses a system for proxy browsing the Internet as stated in the claims above. Mansbury in view of Reynolds does not disclose selecting a digital video file from an Internet server, and said digital video file is played on said digital video player linked to the Internet. Cuomo discloses selecting a digital video file from an Internet server, and said digital video file is played on said digital video player linked to the Internet (col. 1, lines 25-42; col. 5, lines 35-47). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Mansbury and Reynolds with Cuomo to ensure a master computer is appropriately synchronized with following client computers as stated in Cuomo (col. 5, lines 47-55).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mansbury in view of Reynolds in view of Cuomo in view of Gabai et al. (USPN 6,368,177) (hereinafter Gabai).

15. Mansbury in view of Reynolds in view of Cuomo discloses a system for proxy browsing the Internet as stated in the claims above. Mansbury in view of Reynolds in view of Cuomo do not disclose selecting a digital game configuration file from an Internet server, and said digital configuration game file is downloaded to a game or toy that is linked to the Internet, and said game file reconfigures said game or toy to provide new scenarios and strategies for entertainment. Gabai discloses selecting a digital game configuration file from an Internet server, and said digital configuration game file is downloaded to a game or toy that is linked to the Internet, and said game file reconfigures said game or toy to provide new scenarios and strategies for entertainment (col. 51, lines 20-30; Figure 33 and relevant portions of the disclosure). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Gabai with Mansbury, Reynolds and Cuomo to provide messages to the user which can be used for effecting sales over the Internet as stated in Gabai (col. 2, lines 35-40).

### ***Response to Amendment***

16. Applicant's arguments with respect to claims 1, 3-5, 7-11, 15, and 17-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
18. Koether et al. (USPN 5,043,860) discloses a cooking appliance interface.
19. Rye et al. (USPN 6,229,433) discloses an appliance controller for a computer.
20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA  
January 21, 2004



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SUPERVISORY PATENT EXAMINER  
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